

TENTATIVE RULINGS

CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR

For: 4/28/2008 Monday Dept: 1A

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

1. **1:00 PM** Case: CF7847 [M] CAPITAL FINANCIAL v CURTIS
Type: COLLECTIONS Date Filed: 12/28/07
Priority Info: RULE 3.740
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: CAPITAL FINANCIAL CREDIT L.L.C. ATTY: HAMEROFF/LAVINSKY LAW FIRM
DEFNDT: CURTIS, BRUCE ATTY: IN PRO PER
Service Date/Type: 02/01/08 PER Answer Date: 02/26/08

Tentative Ruling: The court notes defendant's mail is being returned to the court. The case is At-Issue and is set for Trial in Dept. 2 approximately 120 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: ½ day court trial.

2. **1:00 PM** Case: CV33347 [S] VIVES v DOW
Type: QUIET TITLE Date Filed: 01/12/07
Event: COURT'S MOTION TO DISMISS PER 3.1385
RESET DUE TO INCORRECT DAY

PLF/XD: VIVES, GUILLAUME ATTY: DAVIS, BRIAN C. ESQ
PLF/XD: VIVES, STEPHANIE ATTY: DAVIS, BRIAN C. ESQ
DEF/XC: DOW, LARRY ATTY: JAGEMAN, LAW OFFICES
Service Date/Type: 02/14/07 PER Answer Date: 03/16/07
DEF/XC: DOW, MICHAELA R. ATTY: JAGEMAN, LAW OFFICES
Service Date/Type: 00/00/00 Answer Date: 03/19/07

Tentative Ruling: This matter settled 8/21/07. The matter was previously noticed and set for the court's motion to dismiss pursuant to Cal. Rules of Court 3.1385. No opposition to the motion has been filed and the matter is hereby ordered dismissed with prejudice.

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3. 1:00 PM Case: CV34264 [S] VLD REALTY GROUP v KAMYSHIN
Type: BREACH OF CONTRACT Date Filed: 12/04/07
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: VLD REALTY GROUP LLC ATTY: IN PRO PER
DEFNDT: KAMYSHIN, VLADIMIR ATTY: MCCARTNEY & ASSOCIATES
Service Date/Type: 00/00/00 Answer Date: 03/21/08
DEFNDT: KAMYSHIN, OKSANA ATTY: MCCARTNEY & ASSOCIATES
Service Date/Type: 00/00/00 Answer Date: 03/21/08

Tentative Ruling: Plaintiff corporation may not lawfully proceed in this action without a licensed lawyer representative, Plaintiff must forthwith retain counsel or dismiss this action. The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 9/29/08.

4. 1:00 PM Case: CV34283 [S] LANGE v SEGERSTROM
Type: CIVIL COMPLAINT Date Filed: 12/10/07
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: LANGE, JAY ATTY: GAGEN MCCOY MCMAHON & ARMSTRO
DEFNDT: SEGERSTROM REAL ESTATE INC ATTY: TRIEBSCHE & FRAMPTON
Service Date/Type: 00/00/00 Answer Date: 03/04/08
DBA: CENTURY 21 LAKE TULLOCH REAL E
DEFNDT: SCHILLING, ROXANNE ATTY: TRIEBSCHE & FRAMPTON
Service Date/Type: 00/00/00 Answer Date: 03/04/08

Tentative Ruling: The demurrer to the complaint was sustained with leave to amend. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 7/28/08.

5. 1:00 PM Case: CV34285 [S] DEMETRIS v KRICK
Type: PI/PD MOTOR VEHICLE Date Filed: 12/11/07
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: DEMETRIS, JOHN ATTY: DER MANUELIAN ESQ, CHRISTOPHE
DEFNDT: KRICK, TRAVIS J ATTY: JOHNSTON, G. MICHAEL ESQ
Service Date/Type: 00/00/00 Answer Date: 03/17/08
DEFNDT: KRICK, MARY ATTY: JOHNSTON, G. MICHAEL ESQ
Service Date/Type: 00/00/00 Answer Date: 03/17/08
DEFNDT: KRICK, ALAN ATTY: JOHNSTON, G. MICHAEL ESQ
Service Date/Type: 00/00/00 Answer Date: 03/17/08

Tentative Ruling: The case is At-Issue and referred to Judicial Arbitration on a 60 day delay. The parties may stipulate to mediation in lieu of arbitration. Discovery to remain open until 30 days prior to trial. Trial setting is set in Dept. 1A at 1:00 PM on 9/29/08.

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6. 1:00 PM Case: CV34291 [S] ALLSTATE INSURANCE v SALAMANDER GRAPHIX
Type: PRODUCT LIABILITY Date Filed: 12/12/07
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: ALLSTATE INSURANCE COMPANY A CORP ATTY: CULBRETH & SCHROEDER
DEFNDT: SALAMANDER GRAPHIX INC. ATTY: DIFFENDERFER, WILLIAM J ESQ
Service Date/Type: 01/14/08 PER Answer Date: 02/20/08

Tentative Ruling: The cross complainant has not filed a proper Proof of Service as to all named cross defendants. Cross complainant must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all cross defendants have filed responsive pleadings, cross complainant is ordered to file defaults or dismissals of all cross defendants. The CMC is set for Dept 1A at 1:00 PM on 8/25/08.

7. 1:00 PM Case: CV34301 [S] D COLLINS DEVELOPMENT v LINCOLN GENERAL
Type: BREACH OF CONTRACT Date Filed: 12/18/07
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: D COLLINS DEVELOPMENT INC ATTY: FARMER SMITH LAW GROUP LLP
DBA: COLLINS DEVELOPMENT CO
DEFNDT: LINCOLN GENERAL INSURANCE CO ATTY: BURNHAM BROWN

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 9/29/08.

8. 1:00 PM Case: CV34320 [S] GOETSCH v WILSON, ETAL
Type: DAMAGES-NON TORT Date Filed: 12/26/07
Event: CASE MANAGEMENT CONFERENCE-CIVIL

Related cases NOT on this calendar: CF7868 ,
PLNTFF: GOETSCH, HALEY MELISSA ATTY: PETERSEN LAW OFFICES
DEFNDT: WILSON, STEVEN ARRON ATTY: MAYALL HURLEY KNUTSEN SMITH &
Service Date/Type: 00/00/00 Answer Date: 04/10/08
DEFNDT: GREGORY, DONLEN ATTY: MAYALL HURLEY KNUTSEN SMITH &
Service Date/Type: 03/12/08 SUB Answer Date: 04/10/08

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 9/29/08.

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9. 1:00 PM Case: CV34418 [S] CALAVERAS LUMBER v MOORE
Type: BREACH OF CONTRACT Date Filed: 02/14/08
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
06/30/08 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: CALAVERAS LUMBER COMPANY INC ATTY: AIROLA & AIROLA
DEFNDT: MOORE, WALTER L
DBA: MOORE CONSTRUCTION
DEFNDT: MOORE, DAVID
DBA: MOORE CONSTRUCTION
DEFNDT: MOORE, LINDA M
DBA: MOORE CONSTRUCTION

Tentative Ruling: Plaintiff has not filed a proper Proof of Service as to all defendants. The OSC is continued over to the previously scheduled CMC time and date.

10. 1:30 PM Case: CV33138 [S] MOZINGO CONSTRUCTION v CRV ENTERPRISES
Type: BREACH OF CONTRACT Date Filed: 10/27/06
Event: TRIAL SETTING
05/06/08 10:00 1 DEFENDANT'S MOTION COMPELLING COMPLIANCE
WITH RESPONSES AND PRODUCTION OF DOCS;
MONETARY SANCTIONS

PLF/XD: MOZINGO CONSTRUCTION INC A CALIF ATTY: LANG RICHERT & PATCH
DEF/XC: CRV ENTERPRISES INC A CALIF CORP. ATTY: MULLEN SULLIVAN & NEWTON
Service Date/Type: 00/00/00 Answer Date: 02/16/07

Tentative Ruling: Cross defendant has not filed a responsive pleading to the recent cross complaint. The answer, default or dismissal must be on file prior to the next case management conference. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 7/28/08.

11. 1:30 PM Case: CV34159 [S] BEHM v PADEN, ET AL
Type: PI-NON MOTOR VEHICLE Date Filed: 10/19/07
Event: TRIAL SETTING
COUNSEL FOR DEFENDANT ORDERED PRESENT

PLNTFF: BEHM, JAMES N ATTY: MILWARD, LAW OFFICES OF MICHA
DEFNDT: PADEN, RON ATTY: LEWIS BRISBOIS BISGAARD & SMI
Service Date/Type: 12/17/07 CER Answer Date: 01/22/08
DBA: PADEN TIMBER SERVICES
DBA: PADEN TIMBER SOURCE
DEFNDT: PADEN TIMBER SERVICES
DEFNDT: PADEN TIMBER SOURCE

Tentative Ruling: The court presumes Paden Timber Services and Paden Timber Source are DBAs of defendant, Ron Paden. The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 1 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 3 day jury trial.

12. **2:00 PM** Case: CV32965 [S] WATKINS v WATKINS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 09/05/06
At-Issue Date: 00/00/00 Trial: 02/13/08 COURT TRIAL - SHORT CAUSE
Event: SETTLEMENT CONFERENCE/TRIAL SETTING RE P= 8
REMAINING ISSUES

PETNR: WATKINS, ELEANOR ATTY: VALEN, MARK ESQ
RESP: WATKINS, BARRY ATTY: IN PRO PER
Service Date/Type: 09/14/06 PER Answer Date: 10/03/06
CLAMNT: PRINCETON RETIREMENT GROUP INC.
CLAMNT: BAY AREA PAINTERS AND TAPERS ANNU

Tentative Ruling: The parties reached a partial settlement on 10/22/07. Petitioner now seeks to enter judgment based upon that agreement. Agreements may be reduced to judgment by stipulation of the parties or noticed motion under CCP § 664.6. There is no timely settlement conference statement filed by respondent. As this is a settlement conference there is no Tentative Ruling on this case. The parties, or their legal counsel if represented, are ordered to appear.

13. **2:00 PM** Case: CV34035 [S] HOLLINGSWORTH v HOLLINGSWORTH
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 09/05/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW P= 8
PETITIONER OR COUNSEL ORDERED PRESENT
RESET DUE TO INCORRECT DATE

PETNR: HOLLINGSWORTH, DEAN ATTY: AIROLA & AIROLA
RESP: HOLLINGSWORTH, JAMIE ATTY: VALEN, LAW OFFICES OF MARK
Service Date/Type: 00/00/00 Answer Date: 10/18/07

Tentative Ruling: There are temporary custody orders. Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 7/28/08.

14. **2:00 PM** Case: CV31934 [S] PETERS v PETERS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/23/05
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV31481 ,
PETNR: PETERS, KIMBERLY M. ATTY: IN PRO PER
MINOR: PETERS MINORS P.D.: RUSSO, ARLEEN ESQ
RESP: PETERS, JEREMY S. ATTY: IN PRO PER

Tentative Ruling: Respondent's default was entered 4/21/08. The matter is set for a default prove-up hearing May 1, 2008, at 9:00 AM in Dept. 1. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 6/30/08. If a final Judgment (FL-180) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated.

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15. 2:00 PM Case: CV32677 [S] MANN v MANN
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/17/06
At-Issue Date: 00/00/00 Trial: 05/21/08 COURT TRIAL - SHORT CAUSE
Priority Info: RELATED CASE: CV32487
Event: FURTHER CASE MANAGEMENT CONF-JUDGMENT
05/21/08 9:00 1 COURT TRIAL PETITIONER'S MOTION FOR MOVE
AWAY AND PETITIONER'S CONT'D MOTION RE
MODIFICATION OF CUSTODY AND VISITATION
06/18/08 10:30 4 CSCSA'S OSC RE: CONTEMPT
CITEE: DENNIS MANN

Related cases NOT on this calendar: CV32487 ,
PETNR: MANN, SHAWNA ATTY: IN PRO PER
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
MINOR: MANN MINOR P.D.: RUSSO, ARLEEN ESQ
RESP: MANN, DENNIS ATTY: IN PRO PER
Service Date/Type: 00/00/00 Answer Date: 06/19/06

Tentative Ruling: This matter has a pending trial date on petitioner's request to move with the children to Arizona. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 6/23/08.

16. 2:00 PM Case: CV34136 [S] FILKINS v FILKINS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/09/07
Event: FURTHER CASE MANAGEMENT CONF-JUDGMENT

PETNR: FILKINS, ALANA K ATTY: IN PRO PER
RESP: FILKINS, SCOTT E
Service Date/Type: 10/16/07 PER 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 2:00 PM on 8/25/08.

17. 2:00 PM Case: CV34165 [S] SMITH v SMITH
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/22/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: SMITH, SUSAN I. ATTY: IN PRO PER
RESP: SMITH, JERRY A. ATTY: IN PRO PER
Service Date/Type: 00/00/00 Answer Date: 02/15/08

Tentative Ruling: There are temporary custody and support orders. Petitioner is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. This matter may be concluded by a Marital Settlement Agreement ("MSA") of the parties attached to the Judgment (FL-180). If a final Judgment (FL-180) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 7/28/08.

18. 2:00 PM Case: CV34254 [S] BRENGMAN v BRENGMAN
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 12/03/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW
REPORT OF MINOR'S COUNSEL

PETNR: BRENGMAN, ZENAIDA ATTY: IN PRO PER
MINOR: BRENGMAN MINOR P.D.: RUSSO, ARLEEN ESQ
RESP: BRENGMAN, DALE R. ATTY: IN PRO PER
Service Date/Type: 12/05/07 PER Answer Date: 12/19/07

Tentative Ruling: There are no custody orders in the file. The issue of child custody is bifurcated and set for settlement conference on child custody at 3:00PM in Dept. 1A on 6/30/08. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference on the remaining issues in Dept. 1A at 3:00 PM on 6/30/08.

19. 3:00 PM Case: CV32882 [S] FRANKLIN v FRANKLIN
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/04/06
Event: SETTLEMENT CONFERENCE-FAMILY LAW
04/29/08 9:00 1 RESPONDENT'S MOTION FOR MODIFICATION OF
CHILD SUPPORT AND SPOUSAL SUPPORT

PETNR: FRANKLIN, ANDREA ATTY: VALEN, MARK ESQ
RESP: FRANKLIN, JOHN C. ATTY: GEE, DOUGLAS M. ESQ
Service Date/Type: 00/00/00 Answer Date: 09/12/06
CLAMNT: WESTERN CONFERENCE OF TEAMSTERS P

Tentative Ruling: The parties have filed timely settlement statements. There is no Tentative Ruling on this case. The parties, or their legal counsel if represented, are ordered to appear.

20. 3:00 PM Case: CV33235 [S] MCMURTRY v HALL
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 11/29/06
Priority Info: MSE 3/21/2008
Event: SETTLEMENT CONFERENCE/TRIAL SETTING

PETNR: MCMURTRY, JUDITH A. ATTY: AIROLA & AIROLA
RESP: HALL, ROBERT D. ATTY: WHITE, BLAIR M. ESQ
Service Date/Type: 11/30/06 ACK Answer Date: 06/04/07

Tentative Ruling: There is no timely settlement statement filed by the petitioner. There is no Tentative Ruling on this case. The parties, or their legal counsel if represented, are ordered to appear.

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21. **3:30 PM** Case: CV34339 [S] BURITA
Type: DISSOLUTION WITH MINOR CHILDRE
Event: FURTHER SETTLEMENT CONFERENCE

v BURITA
Date Filed: 01/04/08

PETNR: BURITA, JASON J. ATTY: IN PRO PER
RESP: BURITA, NIKKI ATTY: IN PRO PER
Service Date/Type: 03/22/08 PER Answer Date: 04/23/08

Tentative Ruling There are no timely settlement statements filed by the parties.
There is no Tentative Ruling on this case. The parties, or their legal counsel
if represented, are ordered to appear.

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